

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:04CV47

**STATE FARM FIRE & CASUALTY)
COMPANY,)**

Plaintiff,)

Vs.)

ORDER

**WILLIAM NOBLES, and)
EDWINNA NOBLES,)**

Defendants.)

_____)

THIS MATTER is before the Court *sua sponte* to continue the trial from the January 2006 term in the Asheville Division.

The Court has referred the Defendant Edwinna Nobles' motion for summary judgment to the Magistrate Judge for issuance of a memorandum and recommendation, and the Plaintiff's response is not due to be filed until December 12, 2005. It, therefore, appears that neither the Magistrate Judge nor this Court will be able to issue rulings on this motion in time for the parties to adequately prepare for trial for the January 2006 term.

A review of the record in this case indicates the parties have not participated in Court-ordered mediation or, if mediation has occurred, the mediator has not filed a report. **See, Pretrial Order and Case Management Plan, filed June 23, 2005, at 7; see *a/so*, Local Rules of Civil Procedure 16.2, 16.3.**

IT IS, THEREFORE, ORDERED that the Clerk calendar this case for trial during the Court's March 2006 term in the Asheville Division.

IT IS FURTHER ORDERED that the parties comply with the Pretrial Order and Case Management Plan filed herein by participating in mediation, or by the filing of the mediator's report, on or before December 30, 2005.

Signed: December 2, 2005

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

